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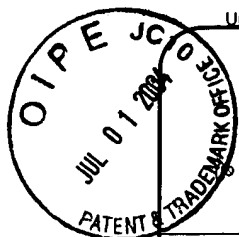
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PTO/SB/21 (04-04)

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TRANSMITTAL FORM

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Application Number	10/699,167
Filing Date	October 31, 2003
First Named Inventor	Becker, T.
Art Unit	TBA
Examiner Name	TBA
Attorney Docket Number	60136.010800

Total Number of Pages in This Submission

4

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	English Language translation of the International Preliminary Examination Report	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eugene C. Rzucidlo		
Signature	32361		
Date	June 28, 2004	PATENT TRADEMARK OFFICE	

CERTIFICATE OF TRANSMISSION/MAILING

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Translation

PATENT COOPERATION TREATY

PCT/EP2002/010001



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P3899PWO - R/Bi	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2002/010001	International filing date (day/month/year) 06 September 2002 (06.09.2002)	Priority date (day/month/year) 25 September 2001 (25.09.2001)
International Patent Classification (IPC) or national classification and IPC F16B 37/06		
Applicant PROFIL VERBINDUNGSTECHNICK GMBH & CO. KG -		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 16 January 2003 (16.01.2003)	Date of completion of this report 28 February 2003 (28.02.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2002/010001

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-14 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-7 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1-9 - 9/9 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 02/10001

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 7	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 7	YES
	Claims		NO

2. Citations and explanations

1. The preamble of claim 1 is based on a fixing element according to any of documents GB-A-2 152 862, DE-A-3 447 006, DE-A-3 446 978 or DE-A-3 835 566 mentioned in the PCT application. The fixing element in question has a fixing section for attaching an object to a metal part and a stamp and/or rivet section for attaching the fixing element to the metal part, a radially and/or conically extending bearing surface being provided in the region of the transition from the fixing section to the stamp and/or rivet section, and the tubular stamp and/or rivet section having on its radially inner side a conical inclined or cutting surface and on its radially outer side a rounded impact- and drawing surface, said surfaces meeting at an annular front edge at the exposed front end of the stamp and/or rivet section.

2. The subject matter of claim 1 differs therefrom in the detailed dimensions and measures given in the characterising portion of claim 1 with respect to the inclined or cutting surface, the wall thickness of the tubular stamp and/or rivet section and the curvature of the rounded impact- and drawing

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 02/10001

surface. This ensures that the formation of swarf is prevented.

3. It does not appear possible for a person skilled in the art to easily derive from the aforementioned prior art such a design of the stamp and rivet section in the region of its exposed front end. The subject matter of claim 1 therefore appears to meet the requirements of PCT Article 33(1) to (3).
4. This also applies to the developments of the invention according to dependent claims 2 to 7.